



Signed and Filed: May 22, 2020

A handwritten signature in black ink, appearing to read "Hannah L. Blumenstiel", is written over a horizontal line.

HANNAH L. BLUMENSTIEL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re:) Case No. 19-30207 HLB
)
HARVEY ROBERT KLYCE,) Chapter 7
)
Debtor.)
)
LINDA S. GREEN, as Chapter 7)
Trustee,) Adv. Proc. No. 19-03051 HLB
)
Plaintiff,)
)
v.)
)
NORWEGIAN STATE EDUCATIONAL)
LOAN FUND,)
)
Defendant.)

**ORDER: (I) VACATING ENTRY OF DEFAULT; (II) DENYING MOTION FOR
DEFAULT JUDGMENT; AND (III) CONTINUING SCHEDULING CONFERENCE**

On December 18, 2019, Plaintiff Linda S. Green, Chapter 7
Trustee, filed a First Amended Complaint¹ against Defendant
Norwegian State Educational Loan Fund ("NSELF") and Vanja
Elisabeth Flak.² On December 20, 2019, Ms. Green attempted to
serve the FAC on NSELF, a Norwegian entity, via the Ministry of
Justice and Public Security Department of Civil Affairs of

¹ Dkt. 10 (the "FAC").

² Ms. Flak has since been dismissed from this adversary proceeding. [Dkt.
22.]

1 Norway.³ Ms. Green has not filed an acknowledgment of service of
2 the FAC on NSELF.⁴ Accordingly, there is no proof in the record
3 that NSELF has been properly served with the FAC in accordance
4 with Civil Rule 4(h)(2)⁵ (as made applicable herein by Bankruptcy
5 Rule 7004). Moreover, the court has not yet prescribed the time
6 within which NSELF must respond to the FAC in accordance with
7 Bankruptcy Rule 7012(a).

8 Notwithstanding the foregoing, the clerk entered default
9 against NSELF on May 19, 2010.⁶ And, on May 21, 2020, Ms. Green
10 filed a motion for default judgment against NSELF.⁷ Upon due
11 consideration, the court **ORDERS** as follows:

12 (1) The Entry of Default is **VACATED**.

13 (2) The Motion is **DENIED** without prejudice.

14 (3) The scheduling conference is **CONTINUED** from June 4,
15 2020 at 2:00 p.m. to **August 6, 2020 at 2:00 p.m.** at 450
16 Golden Gate Avenue, 16th Floor, Courtroom 19, San
17 Francisco, California 94102. **Prior to the scheduling**
18 **conference, the parties should review the information**
19 **on the court's website⁸ pertaining to court operations**

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21 ³ Dkt. 18.

22 ⁴ In contrast, Ms. Green has filed such acknowledgment with respect to the
original complaint in this action. [Dkt. 24.]

23 ⁵ All references to "Civil Rules" shall refer to the Federal Rules of Civil
24 Procedure, and all references to "Bankruptcy Rules" shall refer to the Federal
Rules of Bankruptcy Procedure.

25 ⁶ Dkt. 26 (the "Entry of Default").

26 ⁷ Dkt. 27 (the "Motion").

27 ⁸ [http://www.canb.uscourts.gov/content/page/court-operations-during-covid-19-](http://www.canb.uscourts.gov/content/page/court-operations-during-covid-19-outbreak)
28 [outbreak](http://www.canb.uscourts.gov/content/page/court-operations-during-covid-19-outbreak)

1 during the COVID-19 outbreak to determine whether the
2 scheduling conference will be conducted in the
3 courtroom or telephonically.⁹

4 (4) At least 7 days prior to the continued scheduling
5 conference, Ms. Green shall file a status conference
6 statement advising as to any material developments,
7 including status of service of the FAC. Failure to
8 timely file the status conference statement may result
9 in imposition of \$250 sanction against Ms. Green's
10 counsel.

11 (5) Upon receipt and filing of acknowledgment of service of
12 the FAC, Ms. Green shall file an *ex parte* request for
13 entry of an order setting a deadline for NSELF to
14 respond to the FAC in accordance with Bankruptcy Rule
15 7012(a) and shall upload a proposed order granting such
16 request which the court will act upon in due course.

17 ****END OF ORDER****

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⁹ Second Amended General Order 38 closes the court to the public and requires
27 all hearings to be conducted telephonically or by video through May 31, 2020.
28 It is impossible to predict whether these provisions will extend beyond May
31.

Court Service List

[None]